

**TOWN OF DAVIE
REGULAR MEETING
FEBRUARY 1, 2006**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Hubert, and Councilmembers Crowley, Paul (departed at 12:51 a.m.) and Starkey. Also present were Acting Town Administrator Cohen, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Truex advised of the rules for the Open Public Meeting.

A resident wanted to speak on the item concerning 26th Street. Councilmember Starkey suggested moving up the discussion on this item to accommodate residents. Mayor Truex agreed to move up this item during the meeting.

Phillip Busey spoke in support of Bryan Caletka, Candidate for the District 1 seat.

Bryan Caletka, 6332 SW 39 Court, spoke of his qualifications with regard to his candidacy for the District 1 seat.

Art Waganheim, 14922 SW 33 Street, congratulated Mayor Truex for being unopposed. He also thanked Vice-Mayor Hubert for her work on behalf of District 1.

Gary Rizzo, 5711 SW 47 Street, spoke against a construction project planned for Griffin Road and was concerned about the lack of public notice on this issue. Vice-Mayor Hubert advised that this project was not going forward as planned and that plans would be resubmitted. She indicated that public hearings would be planned for this project. Councilmember Paul stated that she had met with Pirtle and had seen new designs indicating the parking garage and the second story had been eliminated. Councilmember Crowley asked whether Council could request that staff schedule a public participation meeting with Pirtle.

John Ladue, 2961 SW 111 Terrace, spoke about the arduous process involved in obtaining variances for fences and requested Council's help.

Marlon Luis, a resident of Davie, asked District 1 residents to re-elect Vice-Mayor Hubert and commended Vice-Mayor Hubert for her efforts on behalf of District 1 residents. He spoke in opposition to Mr. Caletka candidacy. Mr. Luis questioned why individuals involved in the issue concerning Mr. Kovanes had not been discussed in Council meetings.

Jorge Egues, Airport Advisory Board Chair, updated Council on the airport expansion issue. He spoke of the proposal to use the Flight Quiet Program and tactics to get positive responses from airlines to lessen impacts to the environment. Mr. Egues discussed other strategies to lessen negative impacts such as flight tracking over the I-595 corridor and advised that the Board wanted to focus on the Part 150 Study in 2006. He announced a public meeting being held on February 2nd at the Broward County Convention Center to study the environmental impact of expansion to the Town. Mr. Egues stated that the Board was concerned about plans to bring 90 gates to the airport within the next 15-20 years.

Mayor Truex requested that Mr. Egues attend the Council's February 15 meeting to give a presentation. Councilmember Starkey encouraged residents to visit the County's and/or the Town's website for further information on the public meeting to be held the following evening.

John Parker congratulated Mayor Truex. On behalf of his homeowner's association, Mr. Parker requested help from Council in petitioning the legislature and the Florida Department of Transportation (FDOT) for a sound wall along I-75. He spoke of the noise problem and quality of life concerns in his community after losing the noise buffer after Hurricane Wilma. Mr. Parker was concerned about the safety of children in the area because of the open access to I-75. Councilmember Paul agreed with Mr. Parker and advised that she had sent a letter to Governor Bush and the four candidates for governor on

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this issue. She spoke of a reply she had received from Attorney General Charlie Crist's deputy who recommended trying to get funds from FEMA to replace the wall. Councilmember Paul requested that staff follow up on this and draft a resolution to formalize the Town's opinion on the sound wall. Mayor Truex asked staff to find out who owned the wall that was knocked down.

Lori Parrish, Broward County Property Appraiser, advised that the Town's Public Works Department could take care of the fence issue along I-75 if it posed a public safety threat. Ms. Parrish spoke of work she had done on behalf of Davie during previous legislative positions. She requested that Council prevent the expansion of any road on 26th Street. Councilmember Starkey explained that Council recognized the residents' wishes and assured Ms. Parrish that this issue would be addressed later in the meeting.

Mayor Truex closed the Open Public Meeting.

Mayor Truex announced that the petitioner for item 5.29 had requested a tabling to February 15, 2006.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table to February 15, 2006. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that staff had requested that item 7.6 be tabled to March 1, 2006.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table to March 1, 2006. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that staff requested that item 7.7 be tabled to April 5, 2006.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to table to April 5, 2006. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex asked that item 5.30 be added to the agenda.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

4. INTERNAL CONTROLS/BEST PRACTICES CONSULTING SERVICES

Budget and Finance Director William Underwood explained the process to be used for the presentations.

4.1. Government Finance Officers Association
No representative was present.

4.2. Government Consulting Service Company

Rob Garner, representing Government Consulting Service Company (GCSC), distributed documentation to Council and described the competencies of his firm. He advised that his firm would provide reasonable assurance that management's objectives would be met and spoke of various strategies his firm could employ to help the Town establish best management practices.

Councilmember Crowley asked Mr. Garner about his clients and workload. Mr. Garner indicated that he could handle the workload from the Town.

Mayor Truex asked for Mr. Garner's opinion of what went wrong in Davie. Mr. Garner stated that all he knew was what he had read in the newspapers thus far. Mayor Truex asked how Council would be able to judge whether his firm did a good job. Mr. Garner stated that if the Town employed the best management practices he proposed, then it would be satisfied.

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Councilmember Starkey asked about the cost and the timeframe for the work. Mr. Garner advised that his rate was \$125/hour or about \$10,000, over a timeframe of about two weeks.

Councilmember Crowley asked Mr. Garner if he knew any of the Town's directors. Mr. Garner indicated that he knew Mr. Underwood for about 20 years.

4.3. National Institute of Government Purchasing

Donna McCarthy, representing National Institute of Government Purchasing (NIGP), described the history and competencies of her firm.

Councilmember Crowley asked if the firm could handle the workload involved. Ms. McCarthy responded in the affirmative.

Councilmember Crowley asked if Ms. McCarthy had a history with any directors in the Town. Ms. McCarthy responded in the negative. Councilmember Crowley asked if NIGP was a private company. Ms. McCarthy advised that her company was not-for-profit.

Mayor Truex asked if Ms. McCarthy had any ideas regarding what occurred in the Town and how to fix the problem. Ms. McCarthy indicated that the only information she had thus far was from the newspapers and did not want to base her report on those accounts of what happened. Mayor Truex asked what her firm's goal was. Ms. McCarthy advised that the Town needed to set the goal and her firm would help attain this.

Councilmember Starkey asked how long the process would take and how much it would cost. Ms. McCarthy advised that a typical on-site review took about three to four days and the number of people used on-site was dictated by the scope of work. Councilmember Starkey recalled there were three steps needed to correct the problem: a review of processes, a forensic audit, and a possible inspector general position and added that Council wanted to address these issues separately. Ms. McCarthy advised that her company's service was not a forensic audit and not an internal control review.

Councilmember Paul questioned the cost for the work. Ms. McCarthy advised the rate was \$175/hour on average depending on the structure and scope of work.

4.4. Moore Stephens Lovelace, PA

Dan O'Keefe, representing Moore, Stevens and Lovelace, spoke of his firm's competencies.

Councilmember Crowley asked whether the firm was private. Mr. O'Keefe responded affirmatively. Councilmember Crowley asked whether the firm could properly take care of the Town. Mr. O'Keefe assured Council his firm would take care of the Town. Councilmember Crowley asked if he had any past working relationships with any directors in the Town. Mr. O'Keefe advised that he knew Mr. Underwood.

Mayor Truex asked whether the firm would review the Town's procedures. Mr. O'Keefe responded affirmatively.

Councilmember Starkey asked about the fees and timeframe involved. Mr. O'Keefe felt a review of the procurement process could be completed within one week for a cost of \$150-\$250 per hour.

Mayor Truex asked Sue Bunevitch if every transaction would be looked at during the forensic audit. Ms. Bunevitch stated that this depended on the scope of work. Mayor Truex asked what the firm did if it encountered criminal behavior. Ms. Bunevitch stated that the firm took direction from the client on this.

Procurement Manager Herb Hyman explained the selection process involved. Mr. Underwood asked Council to take into consideration the entire process from the beginning of procurement to disbursement of funds.

Council ranked the firms, excluding the first one, as no one from that firm was present.

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Mr. Hyman announced that based on the rankings, Council had selected Moore, Stephens & Lovelace. Mr. Cohen advised that staff would meet with the firm and prepare a contract for Council's review.

5. APPROVAL OF CONSENT AGENDA

Minutes

- 5.1. November 7, 2005 (Emergency Meeting) (tabled from January 18, 2006)
- 5.2. December 21, 2005 (Regular Meeting)
- 5.3. January 4, 2006 (Regular Meeting)

Home Occupational Licenses

- 5.4. Devine Towing & Transport, Inc., 11100 SW 29 Court (tabled from January 4, 2006)
- 5.5. Ramco Equip & Landscape Services, Inc., 13730 SW 16 Street (tabled from January 4, 2006)
- 5.6. Ron's Pressure Washing, 14000 SW 28 Court (tabled from January 4, 2006)
- 5.7. C.V. Construction Group, Inc., 2690 SW 122 Terrace
- 5.8. Hammond Roofing, Inc., 14693 SW 29 Place

Resolutions

- 5.9. **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-19 ACCEPTING CERTAIN EASEMENTS FROM MIGUEL AND SUI LING DOMINGUEZ, PROPERTY OWNERS; AND PROVIDING AN EFFECTIVE DATE.
- 5.10. **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-20 ACCEPTING A DRAINAGE EASEMENT FROM THOMAS A. HAYDU AND JUDITH L. HAYDU, PROPERTY OWNERS; AND PROVIDING AN EFFECTIVE DATE.
- 5.11. **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-21 AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A UTILITY EASEMENT FOR THE "SHENANDOAH FIRE RESCUE STATION"; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.
- 5.12. **PROPERTY** - A RESOLUTION ENDORSING THE ACQUISITION AND
R-2006-22 PROTECTION OF THE RYAN PROPERTY AS A UNIQUE "FARM PARK" AND OPEN SPACE IN THE TOWN OF DAVIE, FLORIDA; AUTHORIZING AND DIRECTING TOWN STAFF TO COMPLETE THE ACQUISITION AS SPECIFIED IN THE TOWN'S 2005 GRANT APPLICATION TO FLORIDA COMMUNITIES TRUST (FCT) UPON CONFIRMATION OF GRANT FUNDING FROM FCT; AND AUTHORIZING AND DIRECTING TOWN STAFF TO RE-SUBMIT THE FCT APPLICATION IN 2006 IF FUNDING FROM 2005 IS NOT CONFIRMED BY THE 2006 FCT CYCLE SUBMITTAL DEADLINE. (not budgeted - \$12.4 million for acquisition, plus due diligence costs)

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- 5.13. **SUNRISE WATER SYSTEM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DISCONTINUING THE PROCESS OF ACQUIRING THAT PORTION OF THE SUNRISE WATER SYSTEM LOCATED IN THE TOWN OF DAVIE.
- R-2006-23 5.14. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE CDBG SUB-RECIPIENT GRANT AGREEMENT WITH THE HOPE OUTREACH, CENTER INC., TO PROVIDE SOCIAL SERVICES/EMERGENCY ASSISTANCE/HOMELESS PREVENTION TO DAVIE'S LOWER-INCOME FAMILIES AND INDIVIDUALS.
- R-2006-24 5.15. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO RENEW AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE BROWARD COUNTY HOUSING AUTHORITY WAIVING PAYMENT IN LIEU OF TAXES (PILOT) IN EXCHANGE FOR SERVICES AND DONATIONS; AND PROVIDING AN EFFECTIVE DATE.
- R-2006-25 5.16. **LEGISLATIVE ISSUES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2006 LEGISLATIVE SESSION, AND PROVIDING FOR AN EFFECTIVE DATE.
- R-2006-26 5.17. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH LEWIS SCRUGGS FOR DEVELOPMENT OF A MANAGEMENT PLAN FOR SUNNY LAKE BIRD SANCTUARY. (\$8,000)
- R-2006-27 5.18. **FINANCIAL CONSULTANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF DUNLAP & ASSOCIATES, INC. TO PROVIDE FINANCIAL CONSULTANT SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- R-2006-28 5.19. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE TOWN AND CONTROL COMMUNICATIONS, INC. FOR MAINTENANCE OF PUBLIC SAFETY RADIOS. (\$12,000/year-Police; \$7,000/year-Fire)
- R-2006-29 5.20. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND ARCHIVESONE FOR OFF-SITE RECORD STORAGE SERVICES. (\$5,600/year)
- R-2006-30 5.21. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND MARTIN B. WARREN, INC. D/B/A WARREN & ASSOCIATES FOR VERBATIM TRANSCRIPTION SERVICES. (\$35,000/year)

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- 5.22. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R-2006-31 BIDS FOR FIRST AID SUPPLIES AND EQUIPMENT. (\$48,000/year)
- 5.23. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-32 AMENDING THE AGREEMENT BETWEEN THE TOWN OF DAVIE AND
ROBBINS LODGE PRESERVE CARETAKER AND AUTHORIZING THE TOWN
ADMINISTRATOR TO EXECUTE THE AGREEMENT.
- 5.24. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2006-33 FLORIDA, APPROVING AN EXTENSION OF THE PARKS LAWN
MAINTENANCE CONTRACT BETWEEN THE TOWN AND EDJ, KEEP IT CUT,
AND ELAN LAWN SERVICE COMPANIES FOR A PERIOD OF TWO YEARS FOR
LAWN MAINTENANCE SERVICES.
- 5.25. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2006-34 FLORIDA, APPROVING AN EXTENSION OF THE RIGHTS OF WAY LAWN
MAINTENANCE CONTRACT BETWEEN THE TOWN AND EDJ, KEEP IT CUT,
AND ELAN LAWN SERVICE COMPANIES FOR A PERIOD OF TWO YEARS FOR
LAWN MAINTENANCE SERVICES.
- 5.26. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2006-35 AUTHORIZING THE MAYOR AND THE ACTING TOWN ADMINISTRATOR TO
ENTER INTO AN OFF SITE ROAD IMPROVEMENT AGREEMENT BETWEEN
THE TOWN OF DAVIE, AND THE MONTESSORI INSTITUTE OF BROWARD
INC, A.F. OF GRIFFIN ROAD, LLC (STRIKE ZONE), AND FC SOUTH, LLC
(FLAMINGO COMMONS), FOR THE COST OF ROADWAY IMPROVEMENTS
ALONG ORANGE DRIVE BETWEEN FLAMINGO ROAD AND THE ENTRANCE
OF FLAMINGO COMMONS; TO ACKNOWLEDGE SUCH APPROVAL BY
AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR
AN EFFECTIVE DATE.

Temporary Use Permits

- 5.27. TU 7-3-05, Bonaventure Catholic Church, 1301 SW 136 Avenue (Family Festival)
5.28. TU 12-1-05, Nova Southeastern University (Heart Walk)

Quasi-Judicial Consent Agenda

- 5.29. SP 7-11-05, Panda Express - Davie, 5820 University Drive (UC) *Site Plan Committee recommended approval based on the original planning report and the following revisions: 1) that the current set of plans be revised to the new revisions prior to presentation to Town Council; 2) to show the new colors on that set of plans as well; 3) indicate that the outdoor seating and lighting is "up light"; and 4) amend the landscape plan to the current set and incorporate these changes – that the shopping center perimeter landscape will be incorporated into this landscaping; two accent plants at the east are to be added; change the Purple Queen to Macho Fern and indicate on the landscape materials schedule*

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Item to be added

- R-2006-36 5.30. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND THE ACTING TOWN ADMINISTRATOR TO EXECUTE AN AMENDMENT TO TRAFFIC CONCURRENCY AGREEMENT, BETWEEN BROWARD COUNTY, NOVA SOUTHEASTERN UNIVERSITY, INC., AND THE TOWN OF DAVIE, FOR THE CONSTRUCTION OF A TRANSIT TERMINAL ON THE NOVA SOUTHEASTERN UNIVERSITY CAMPUS; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AMENDED AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Truex pulled the occupational licenses items (items 5.4 - 5.8) for discussion along with item 9.1. Vice-Mayor Hubert pulled item 5.12. Councilmember Crowley pulled items 5.13 and 5.26. Councilmember Starkey pulled items 5.16 and 5.23. Councilmember Paul pulled item 5.3. Mayor Truex pulled 5.17 and 5.30.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve the Consent Agenda minus items 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.12, 5.13, 5.16, 5.17, 5.23, 5.26 and 5.30. In a voice vote, all voted in favor. (Motion carried 5-0)

6. DISCUSSION OF CONSENT AGENDA ITEMS

5.3 Councilmember Paul made a motion, seconded by Mayor Truex, to table to February 15, 2006. In a voice vote, all voted in favor. (Motion carried 5-0)

9.1 Development Services Director Mark Kutney advised that of the 4,379 occupational licenses in the Town, 1,304 were home occupational licenses. He advised that the Town did not have a permitting process for certain businesses that met home occupational licensing criteria. Mr. Kutney summarized his findings and based on other municipalities' practices, suggested three approaches: 1) allow home occupations with no permit; 2) do not allow home occupations; 3) establish some type of permit which would come with an added level of scrutiny. He recommended that staff declare a zoning-in-progress for home occupational licenses. Mr. Kutney suggested establishing permits that allowed the Town to conduct some level of regulation and site inspection. Regarding home occupations already in progress, he suggested advising these individuals that the Town had the right to perform inspections in the future. Mr. Kutney spoke against approving 5.7 that evening as staff was already having trouble with construction materials on the current site.

Councilmember Paul wanted licenses to indicate where products would be stored for certain home businesses. She asked Mr. Kutney about the cost and term of engineering permits. Mr. Kutney advised that this depended on the type of work being done. Town Engineer Larry Peters advised that the permit would apply for one year. Councilmember Paul asked the approximate cost. Councilmember Crowley suggested \$500. Councilmember Paul stated it was obviously cheaper to get an engineering permit which could be used to store equipment on residential property for a year than it would be to rent a storage facility. She suspected this was the reason for problems with companies storing large equipment and she wanted to tighten this process. Mr. Kutney agreed and pointed out that those currently operating home occupations had no fear of staff inspecting their properties.

Mayor Truex asked if the Town could approve the occupational licenses on the agenda with the condition that these businesses had to abide by the new rules of the zoning-in-progress. Mr. Kutney responded in the negative. Mayor Truex was concerned about hampering the efforts of those who legally conducted home businesses. Attorney Andre Parke suggested approving only applicants who met the Town's future criteria.

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Councilmember Paul recalled that the original concern on this issue was improper storage of heavy machinery and equipment. She felt many companies came to Davie because they realized that others got away with heavy storage on residential properties without abiding by the Town's regulations.

Councilmember Starkey was concerned that without protections in place for some licenses, these problems would continue. She felt it would be sufficient to conduct a spot check of the sites being applied for, and then write assurances of compliance into the affidavit to be signed by the applicant. She felt it would be very time consuming for staff to investigate all home occupations. Mr. Kutney felt staff would still not have enough oversight on all home occupations and possible violations. He was in favor of conducting this type of review townwide.

Councilmember Crowley agreed that more needed to be done where Code compliance was concerned. He had no objection to moving forward if staff could conduct this within 30-60 days.

Mayor Truex invited input from the public.

Mr. Ladue, 2961 SW 111 Court, felt the inspection approach being discussed was not right as it put more people who were running legitimate businesses under stronger scrutiny. Councilmember Paul clarified that Council was not discussing entering a home, but inspecting the property where the major abuse was on the outside of properties. Mr. Kutney pointed out that the Town did in fact dictate regulations but did not go out and enforce them. He felt those who requested a home occupational license opened themselves up to these regulations.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, spoke of a mason who had erected illegal structures outside his home without permits. She spoke of other illegal businesses behind fences in the Town and requested Council's help in stopping these practices.

Cheryl Zagacki, 13410 SW 14 Place, requested that the Town conduct spot checks. She pointed out that Councilmember Paul had to fly over a property to prove that a lawn service was being conducted from a home.

Councilmember Crowley was not in favor of going into a person's home. Vice-Mayor Hubert agreed. Mr. Parke advised against applying the restrictions being discussed to the applications currently before Council.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to declare a zoning-in-progress for home occupational licenses. In a voice vote, all voted in favor. (Motion carried 5-0)

5.4 Councilmember Paul made a motion, seconded by Councilmember Starkey, to deny. In a voice vote, all voted in favor. (Motion carried 5-0)

5.5 Councilmember Starkey made a motion, seconded by Councilmember Paul, to deny. In a voice vote, all voted in favor. (Motion carried 5-0)

5.6 Councilmember Paul made a motion, seconded by Councilmember Starkey, to deny. In a voice vote, all voted in favor. (Motion carried 5-0)

5.7 Councilmember Paul made a motion, seconded by Councilmember Starkey, to deny. In a voice vote, all voted in favor. (Motion carried 5-0)

5.8 Councilmember Paul made a motion, seconded by Councilmember Starkey, to deny. In a voice vote, all voted in favor. (Motion carried 5-0)

5.12 Vice-Mayor Hubert asked who would be responsible for maintenance since the farmers would not be able to make a profit on the property. Councilmember Paul explained that the farm park

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would be maintained by individuals farming on the site. She advised that any profits made would come back to the park for maintenance and operations. Councilmember Paul spoke of partnership agreements she was working on to bring corporate support into the park. Vice-Mayor Hubert was concerned about maintenance costs falling back on the Town if the concept did not work. Councilmember Paul explained features of how a farm park worked and was confident the Town would get substantial financial support.

Amy Condon, representing the Trust for Public Lands (TPL), explained how TPL helped municipalities acquire land for open space preservation. She indicated that TPL could purchase the land then wait for the Town to go forward with the grant process. Ms. Condon added that the funding entities involved, such as the Florida Communities Trust (FCT) were geared to help such projects succeed; however, TPL needed some level of assurance that the Town would go forward with this program before it took the risk of purchasing the land. Mayor Truex asked what the worst-case scenario was if the Town did not receive funding. Ms. Condon stated that TPL would own the property and sell it on the open market or find another use for the land.

Councilmember Starkey was concerned that there was no financial feasibility study. She voiced her discomfort with the lack of a financial plan and with not knowing where the \$5 million would come from.

Vice-Mayor Hubert wanted to see information on a working farm park. Ms. Condon advised that she would research this for Council. Vice-Mayor Hubert asked about maintenance funding. Ms. Condon indicated there were other types of grants for development and infrastructure on the site. She advised that maintenance was typically paid for by leases, partnerships, and user fees for the land. Ms. Condon explained that the FCT stipulated that land purchased be used for non-profit activities.

Councilmember Crowley asked if the Town was committing to any funding for the site with the resolution. Mr. Cohen advised that Council was only committing to apply for a grant. He explained that in this scenario, the seller did not want to wait to sell to the Town, which is where TPL would help.

Councilmember Paul spoke of communication she had received from many residents in favor of using this land for the Farm Park and spoke of features of the property that met green space requirements. She discussed outside entities including the Farm Bureau that had offered support for the project and felt this project provided marvelous educational opportunities for the Town.

Councilmember Starkey spoke of emails she received from Grant Specialist Colleen Ryan indicating that grant monies were tight and that the Town's application was low on the priority list. She agreed the farm park was a great opportunity but was uncomfortable with the resolution as presented and with the various "what-ifs".

Mr. Cohen explained that the Town had not had an opportunity like this before where another agency would be willing to purchase the land ahead of the grant application process. He pointed out that by waiting on the grant process the land price would likely rise.

Mayor Truex felt the Town would be getting property that was grossly undervalued that another agency was buying for the Town and felt the Town would not be at a huge risk. Councilmember Paul assured Council of her confidence in receiving the funding for this park. Mayor Truex did not feel it was wise to throw away an opportunity like this.

Vice-Mayor Hubert asked how soon the Town would have to pay back the advance to TPL and asked if TPL would be willing to wait out four grant cycles. Ms. Condon advised that TPL could do a lease purchase agreement or set a benchmark timeframe tied to the grant cycles. She reminded Council that the sale of the land was time sensitive.

Mr. Cohen advised that the Town should not count on the 2005 application because it was probably not going to be approved. He indicated that the Town would reapply in 2006 and suggested adding language to the resolution to increase Council's comfort level.

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Vice-Mayor Hubert made a motion, seconded by Mayor Truex, to approve, on the condition that the Town had a four-year timeframe to pay back the advance to TPL.

Don Martin, 8343 North Lake Forest Drive, spoke in favor of the project.

Ms. Stenzel-Nowicki spoke of a successful farm park in New York and offered to provide this information along with information on possible educational outreach programs to Council.

Councilmember Starkey asked if the Town could opt-out if it did not get the additional funding. Ms. Condon responded affirmatively.

In a voice vote, all voted in favor. (Motion carried 5-0)

5.13 Councilmember Crowley indicated that he still had conflicts about supporting this resolution.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - no; Councilmember Crowley - no; Councilmember Paul - absent; Councilmember Starkey - yes. (Motion tied 2-2; item automatically tabled to February 15, 2006)

5.16 Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve.

Mayor Truex voiced his opposition to two provisions in the resolution. He objected to one provision which he felt suggested additional taxation and felt another provision gave too much land use decisions to local government. Councilmember Starkey spoke of processes in place that gave government the option to review densities.

In a voice vote, with Councilmember Paul being absent and Mayor Truex dissenting, all voted in favor. (Motion carried 3-1)

5.17 Mayor Truex objected to standard language in Section 10 concerning retention of records which he felt should be kept for about three years. He also objected to boilerplate language in Section 13 concerning non-discrimination based on sexual orientation which he pointed out was not a constitutionally protected category. Councilmember Crowley pointed out that the brief contained an error stating "Van Kirk" and requested that this be corrected to "Sunny Lake."

Mayor Truex made a motion, seconded by Councilmember Starkey, to approve subject to changing the one-year provision in Section 10 to three years, and striking language referring to sexual orientation in Section 13.02. In a voice vote, with Councilmember Paul absent, all voted in favor. (Motion carried 4-0)

5.23 Councilmember Starkey asked Public Works Director Bruce Bernard which portions of the agreement were being amended. Mr. Bernard advised there was a change to item 9.1 which spelled out the hours the caretaker would be paid.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, with Councilmember Paul absent, all voted in favor. (Motion carried 4-0)

5.26 Councilmember Crowley asked if the Town had input on designing the outside improvements as he wanted to ensure guardrails would be provided.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve. In a voice vote, with Councilmember Paul absent, all voted in favor. (Motion carried 4-0)

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5.30 Mr. Cohen advised that this resolution concerned a tri-party agreement Council needed to sign as the County wanted to ensure the Town had no conflicts before sign off.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve. Mayor Truex gave Mr. Kiar time to review the agreement before the final vote. Mr. Kiar had no concerns with the agreement. In a voice vote, with Councilmember Paul absent, all voted in favor. (Motion carried 4-0)

7. PUBLIC HEARING

Resolution

7.1. **EXEMPTION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2006-37 **RENEWING AN EXEMPTION FROM THE TOWN OF DAVIE COMMUNITY REDEVELOPMENT AGENCY'S TAX INCREMENT FUNDING FOR THE CHILDREN'S SERVICES COUNCIL PURSUANT TO THE TERMS OF THE INTERLOCAL AGREEMENT AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting.

Donna Evans, representing the Police Athletic League (PAL), referred to the agreement with Children Services Council (CSC) and recalled that the after-school program was only suppose to be in place for one year. She stated that PAL wanted its own facility again which would help it to garner more funding. Ms. Evans advised that CSC would once again be using PAL's facility for its after-school program. She stressed that the facility was largely suited to athletic purposes and felt PAL was being shut out of the decision process.

Mayor Truex asked if Ms. Evans objected to waiving the tax increment and giving the money to CSC. Ms. Evans had no problem with this, but was concerned that with PAL's various programs running along with the CSC's program in the same facility, there might be problems.

Cindy Arenberg-Selzer, representing CSC explained how this agreement benefited the Town over the past year. She advised that CSC was simply responding to the Town Administrator's correspondence requesting that it run its after-school program at the PAL facility. She assured PAL that CSC and Memorial Healthcare had always operated in good faith for the benefit of the Town's children.

Vice-Mayor Hubert referred to documentation indicating that CSC agreed to hold programs at the PAL facility. Ms. Arenberg-Selzer spoke of the history of this issue and advised that its funding stipulated that they run their after-school program for three years.

Housing and Community Development Director Shirley Taylor-Prakelt felt the \$85,000 being waived served the Town well. She advised that the Town had asked other entities to award a grant to operate a summer program out of the Potter Park facility and felt the grant award for a summer program was a different issue from the fee waiver being discussed. Ms. Taylor-Prakelt felt both PAL and CSC could collaborate well on sharing the facility.

Councilmember Paul did not understand why both programs could not be run. Ms. Taylor-Prakelt advised that the Town had already collaborated and discussed three possible sites for the summer program, including the Orange Park Community Center. Councilmember Paul felt sharing PAL's facility was a win-win situation and did not want any turf wars. Vice-Mayor Hubert explained that having an open-door and closed-door program in the same facility was a problem, while with an open-door policy alone, children could walk in and out as they wished.

Ms. Bernetti, representing the Family of Humanity organization, spoke of the benefits its HUG Program offered along with the CSC's after-school program. She was concerned that if they were not at the facility, there would be a gap in service. Councilmember Starkey requested more information on Ms. Bernetti's organization.

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Angela Difton felt the Memorial Healthcare/CSC program was a fine one but felt that with too many programs at once, it created crowding.

Tim Cooke, representing Memorial Healthcare, explained features of the MOST program.

Jennifer Franken, a resident of the Town, stated that her son was enrolled in the MOST program and felt it was not negatively affecting the PAL program. She stated that both programs benefited the children involved.

Charlotte Gangwer spoke highly of the MOST Program which she felt was better than the PAL Family Central Program. She spoke of the need for this program.

Maria Mastraricho spoke highly of the MOST program.

Leona Steffen spoke highly of Memorial after-school program and indicated that she had never seen a conflict with the MOST program affecting the PAL program.

Ms. Taylor-Prakelt estimated that the TIF waiver was bringing about \$400,000 worth of services to the Town. She commended Memorial Healthcare's efforts to move its program and provide counseling for children within 48 hours after Hurricane Wilma. She asked Council to approve the resolution.

Mayor Truex closed the public hearing.

Vice-Mayor Hubert indicated that after the storm, PAL was also mobilized to help residents.

Mayor Truex wanted to approve the resolution subject to the different groups working out the space issues. Councilmember Starkey wanted to approve the resolution as is, as she felt the programs were running well.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the resolution as written.

Vice-Mayor Hubert objected as she wanted to amend Article 3, 3.2(b). She spoke of the history of this item and referred to documentations indicating the after-school program was originally scheduled for one year. She felt all agencies needed to sit down and work out the space issues.

Councilmember Crowley wanted better coordination and did not want to jeopardize funding that would affect children in the programs.

Councilmember Starkey agreed to amend her motion to approve the resolution as written with the exception of 4.12, and requesting that Children Service Council provide documentation showing the benefit and the amount. Mayor Truex agreed with the amended motion. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Ordinance - Second and Final Reading

2006-6 7.2. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-1-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO RM-5, LOW MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 3-1-05, Landau/Khavanin, 800 South Flamingo Road) (from AG to RM-5) *Planning and Zoning Board recommended approval {Approved on First Reading January 18, 2006 - all voted in favor with Councilmember Paul being absent}*

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

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Vice-Mayor Hubert made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - absent; Councilmember Starkey - yes. (Motion carried 4-0)

Ordinance - First Reading (Second and Final Reading to be held on February 15, 2006)

7.3. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 2002-9; AMENDING SECTION 2-73(g) OF THE DAVIE CODE OF ORDINANCES ENTITLED, "DAVIE WATER AND ENVIRONMENTAL ADVISORY BOARD;" PROVIDING THAT THE BOARD SHALL CONSIST OF FIVE (5) MEMBERS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on the ordinance at the February 15, 2005 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - absent; Councilmember Starkey - yes. (Motion carried 4-0)

Ordinance - First Reading (Second and Final Reading to be held at a later date)

7.4. **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 1-1-06, VACATING PORTIONS OF RIGHT-OF-WAY FOR SOUTHWEST 26TH STREET ALONG THE SECTION LINE BETWEEN SECTION 23, TOWNSHIP 50 SOUTH, RANGE 40 EAST AND SECTION 14, TOWNSHIP 50 SOUTH, RANGE 40 EAST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance at a later date.

Councilmember Starkey advised that she had distributed a memorandum along with the resolution earlier that day and wished to discuss problems relating to the ordinance. She recalled residents' and Council's wishes to use the right-of-way as a trail to enhance the Town's trails and greenways in accordance with rural lifestyle goals. Councilmember Starkey voiced her displeasure with staff's backup report and requested that this be re-submitted in its proper form. She spoke of errors in the ordinance and was concerned that as it was written, it did not reflect the wishes of Council or the community.

Councilmember Starkey requested that the Town Attorney also opine on the due process of the vacation. Mr. Parke explained that one method his office had considered was vacating the right-of-way. He explained that another possible method was having the right-of-way dedicated to the Town for a public purpose, which would allow the Town to change the classification of the public purpose and use the property as a trail.

Mayor Truex opened the Public Hearing.

Don Freidewald, 12911 SW 26 Street, spoke in support of the proposed resolution. He also indicated he had a petition signed by residents of 26th Street in support of the resolution.

Willie Zamora, 12792 SW 26 Street, quoted portions of the Town's mission statement and its appeal to his family. He read aloud his position against the ordinance as presented.

Stewart Alvarez, 12791 SW 26 Street, spoke against the ordinance as presented.

Joyce Steward, 10850 SW 25 Street, asked Council to take whatever action was required to resolve this issue. She spoke of concerns dating back to 1987 with regard to removing 26th Street from

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the trafficways plan and of her request to the Mayor in 2002 to continue this process. Ms. Steward felt the property would be wonderful for the Town's open space system and thanked Council for giving time to this issue.

Tom Sierocuk, 12882 SW 26 Street, read a statement on behalf of Trail Ridge residents in support of the resolution and entered into the record a petition from residents.

James Williams, 12942 SW 26 Street, referred to an illustration of trail maps of the area and spoke in favor of dedicating the area for open space to connect the existing trail system.

Angel Pichardo, 12941 SW 26 Street, asked Council to preserve the tight-knit community environment by eliminating any road through 26th Street.

Luke Freidewald, 12911 SW 26 Street, spoke of his ability to play in his neighborhood without traffic concerns and asked that Council keep the streets safe.

Charlie Capps, 13570 SW 26 Street, spoke of increased traffic in the area and opposed any proposal to bring a road through 26th Street.

Joseph Pensabene, a future resident of 12732 SW 26 Street, spoke of the benefits of the neighborhood and asked Council to approve the resolution.

Darlene Sierocuk, 12882 SW 26 Street, corrected the staff report with regard to the east-west connectors.

Mayor Truex asked whether the petitioners from the north and south properties were present. Jon Voight advised that Flamingo Gardens Estates was on the northeast corner of 26th Street. Mayor Truex asked how residents would gain access to the development if 26th Street did not cut through. Mr. Voight indicated that residents could enter from the north on 127th Avenue or from the west on SW 26 Street.

Craig Buttes, representing the south property owner, indicated that residents would gain access via Flamingo Road if 26th Street did not cut through.

Councilmember Starkey asked if both petitioners would be in favor of working with the Town Attorney's Office on a document dedicating the land back to the Town as a berm trail with landscaping. The petitioners agreed to this.

Mayor Truex objected to resolving only the problem with 26th Street without resolving the global issues involved. He recalled a suggestion to hold a charette on this issue and to have a resolution addressing the global issues. Mayor Truex requested that a charette be held with residents of the area along with the Fire Chief Don DiPetrillo being invited to participate. He voiced his desire to look at the big picture for all residents in the area. Mayor Truex did not find fault with staff's report due to the lack of time given to prepare this item. He asked staff how soon a charette could be arranged. Mr. Kutney responded within two weeks.

Councilmember Paul felt 26th Street should be addressed first and spoke of her earlier requests for a roadway master plan to be created. She felt this item had been put on the back burner for a long time. She referred to a map showing a section of 26th Street with a 15-foot right-of-way that was still undeveloped. Councilmember Paul indicated a portion of 26th Street west of 148th Avenue that had a trail and a sidewalk going to Shotgun Road. She suggested "taking the whole area including the segment from 148th to the other paved roadway, including the right-of-way north of Shotgun Road, and tie all this in on the back side with an equestrian trail." Councilmember Paul felt this would give the Town an almost perfect east-west trail connection.

Councilmember Crowley spoke of the history of this issue and felt it was unfortunate that it took so long to be resolved. He spoke against ever opening up 26th Street from Flamingo Road to Shotgun Road, regardless of how many workshops were held. Councilmember Crowley wanted Council to resolve this issue that evening and spoke in support of Councilmember Starkey's resolution.

Vice-Mayor Hubert referred to the staff report and questioned whether the concerns raised about Fire Department response times were legitimate. Councilmember Starkey advised that Chief DiPetrillo

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had told her the current response times were sufficient. Mr. Cohen assured Council that response times were currently adequate. Councilmember Starkey asked that all the Town's objectives be reflected in the staff report such as the rural lifestyle initiative. She offered to amend the resolution language to state 40 feet.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve the resolution with language corrected at the fourth Whereas clause, third sentence, to state "this approximate 40-foot parcel would provide a necessary connection," and with language corrected at the last Whereas clause, to state "an approximate 40-foot portion that belongs to the Town."

Mayor Truex pointed out that other residents of that area who would be affected were not present that evening and felt moving forward without holding a charette was unwise. Vice-Mayor Hubert asked if all the communities in the area would be included. Mayor Truex responded affirmatively. Councilmember Paul pointed out that no one in the area anticipated the road going through and felt it was futile to hold a charette. Mayor Truex supported the resolution but felt other residents should have a say on this issue as well. Councilmember Crowley was in favor of holding a charette but wanted to finish the issue of vacating the 26th Street right-of-way that evening.

Mr. Muniz asked for clarification on the dispatch of item 7.4.

Councilmember Starkey made a motion, seconded by Mayor Truex, to withdraw item 7.4. In a voice vote, all voted in favor. (Motion carried 5-0)

R-2006-38 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
MAYOR AND THE ACTING TOWN ADMINISTRATOR TO PREPARE THE
DOCUMENTS NECESSARY TO CHANGE THE PURPOSE AND NEED OF THE
TOWN'S RIGHT-OF-WAY AT 26TH STREET WEST FROM FLAMINGO ROAD
TO 127TH AVENUE FOR A MULTI-USE RECREATIONAL TRAIL.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve the resolution with the correction to 40 feet where it stated 35 feet. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-1)

Councilmember Paul made a motion to have staff move forward with preparing an ordinance to add the segment of 26th Street west of 148th Avenue to the paved roadway to make this a trail. The motion died for lack of second. Councilmember Starkey was in support but wanted staff to provide more research on this.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to direct staff to gather appropriate information and develop a packet for Council's review on the issue of extending the SW 26 Street trail from 148th Avenue west to the paved roadway. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex asked if anyone objected to holding the charette on 26th Street and surrounding areas in February or March. Council had no objections.

Mayor Truex recessed at 9:02 p.m. and resumed the meeting at 9:08 p.m.

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Ordinance - First Reading/Quasi Judicial Item (Second public hearing to be held February 15, 2006)

- 7.5. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 7-3-05, CHANGING THE CLASSIFICATION OF EIGHT (8) EXISTING PARKS/OPEN SPACE SITES FROM AGRICULTURAL DISTRICT (A-1), PLANNED RESIDENTIAL DEVELOPMENT DISTRICT (PRD), GRIFFIN CORRIDOR DISTRICT (FTN), RESIDENTIAL/OFFICE DISTRICT (RO), LIGHT INDUSTRIAL DISTRICT (M-1), LOW DENSITY DWELLING DISTRICT (R-2) TO RECREATION/OPEN SPACE DISTRICT (RS); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-3-05 - Town of Davie (8 parks) *Planning and Zoning Board recommended approval*)

Town Clerk Muniz read the ordinance by title.

Mayor Truex announced there would be a public hearing on this ordinance at the February 15, 2006 meeting. Mayor Truex turned this portion of the meeting over to Mr. Kiar.

Mr. Kiar read the rules of evidence and swore in the witnesses.

Planning and Zoning Manager Bruce Dell summarized the planning report.

Mr. Kiar opened the public hearing portion of the meeting.

Scott Olsen, 13420 SW 16 Court, was in favor of keeping the site as open space. He objected to an early rendering of the site plan for the Van Kirk site illustrating 15 acres for urban facilities which would be adjacent to his property. Councilmember Paul advised that more public meetings were still scheduled and agreed that she also wanted the parking lots moved from the residential side.

Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Items to be tabled

- 7.6. **PLANNING AND ZONING BOARD TABLED TO FEBRUARY 8 2006; COUNCIL CAN TABLE TO MARCH 1, 2006**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 8-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO R-5, LOW MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 8-2-04, Lorson One, LLC/POA, Acecon Construction Corp., 1275 SW 130 Avenue) (tabled from January 4, 2006)

This item was tabled earlier in the meeting.

- 7.7. **PLANNING AND ZONING BOARD TABLED TO MARCH 8, 2006; COUNCIL CAN TABLE TO APRIL 5, 2006**

V 7-3-05, DuPont, 3344 Meadowbrook Way (tabled from January 4, 2006)

This item was tabled earlier in the meeting.

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8. APPOINTMENTS

- 8.1. Airport Advisory Board (one exclusive appointment - Mayor Truex; two exclusive appointments - Councilmember Paul; terms expire December 2006)

Councilmember Paul appointed Debbie Chandler. Councilmember Paul appointed John Parker. Mayor Truex appointed Melinda Hart.

- 8.2. Open Space Advisory Committee (one exclusive appointment - Vice-Mayor Hubert and Councilmember Crowley; terms expire April 2006)

No appointments were made.

- 8.3. Parks and Recreation Advisory Board (one exclusive appointment - Councilmember Crowley; term expires April 2006) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 8.4. School Advisory Board (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

Vice-Mayor Hubert appointed Matthew Montgomery.

- 8.5. Senior Citizen Advisory Committee (one exclusive appointment - Councilmember Paul; term expires April 2006) (members shall be a minimum 60 years of age)

No appointment was made.

- 8.6. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex and Vice-Mayor Hubert; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)

No appointments were made.

9. OLD BUSINESS

- 9.1. Home Occupational Licenses (tabled from January 18, 2006)

This item was discussed earlier in the meeting.

10. NEW BUSINESS

- 10.1. Orange Drive Road Closure (tabled from January 18, 2006)

Councilmember Paul was opposed to building a road on the south side that would disrupt the Linear Park. She agreed with residents who felt the road should be on the north side. Councilmember Paul advised that many residents agreed that if FDOT would keep to a five-week period, the road closure would be acceptable.

Scott Peterson, representing FDOT, felt five weeks was reasonable since there was less work to be done at this site. In response to Councilmember Paul, he advised that the start date for the project was August 2006. Councilmember Paul asked whether a temporary road could be built on the north side to facilitate emergency vehicle response times. Mr. Peterson felt this was not a higher impact road closure where police and fire response times would be compromised. Mr. Cohen explained that the fire response time to the Riverstone area would be considerably longer. Mr. Peterson offered to include language in the contract allowing access for fire and police emergency vehicles.

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Councilmember Paul made a motion, seconded by Mayor Truex, to approve the five-week option subject to including language in the contract allowing emergency access to fire and police vehicles. In a voice vote, all voted in favor. (Motion carried 5-0)

10.2. Town Administrator Search

Human Resources Director Mark Alan gave a PowerPoint presentation summarizing key points in the Town's search for a new town administrator. He advised that he had spoken to each search firm contacted which were all interested in assisting the Town at a cost below \$25,000. Mr. Alan recommended the following steps: 1) utilizing the existing list of search firms; 2) establishing qualifications and minimum requirements for the position; 3) determine dimensions to be assessed; 4) recruit and track the performance of a diverse group of candidates; 5) recruit nationally; 6) establish a hard deadline for accepting applications; 7) establish a short list of highly qualified candidates through the use of a search firm; 8) assess the knowledge and skills of short listed candidates; 9) conduct individual interviews with individual Councilmembers; 10) conduct public finalist interviews before Council; 11) select the top candidate by resolution by the entire Council; 12) establish a ranking of other finalists via resolution; 13) perform thorough background investigations of selected candidates; 14) perform medical evaluation of controlled substance drug screening; and 15) negotiate and execute an employment agreement with the selected candidate.

Mayor Truex asked if the Town could ask the firms to come in for interview. Mr. Alan responded in the affirmative.

Council directed staff to schedule a workshop to begin the process of selecting search firms for this task.

10.3. Forensic Audit

Councilmember Starkey gave a brief explanation of the process of a forensic audit. She felt it was critical to move forward on this task and wanted the audit to review records dating back to 1999.

Mr. Underwood advised that the Town generally kept records for only three years and spoke of the difficulty of providing records dating back to 1999 for a forensic audit. Council asked whether those records could be obtained from the bank. Mr. Underwood felt this was not impossible; however, Mayor Truex thought it might be costly. Mr. Underwood indicated that he would bring back advertisements for Council's review. He also wanted the Budget Advisory Committee's input. Councilmember Crowley wanted to direct staff to freeze disposal of any Town records from now until after the investigation. Mr. Muniz advised that no departments had requested document disposal for several months and believed some records might still be available.

10.4. New Interchange at Florida's Turnpike Mainline with Stirling Road

Mayor Truex asked for an update on FDOT's request for comments on the proposed interchange at the Turnpike and Stirling Road. Mr. Peters understood that the interchange was primarily for the Seminole Tribe. Mayor Truex asked for additional information, however, it was fine with him if the interchange was only for the casino.

Councilmember Starkey felt this might bring additional trips into Davie which might trigger an opportunity to get a sound wall. She requested additional information on this subject at the next meeting. Mr. Cohen advised that staff could provide additional information and pointed out that the Town had 60 days to respond.

Ms. Stenzel-Nowicki felt this would be a good idea to help combat the noise issue in her area.

Mayor Truex asked Mr. Cohen to distribute any relevant information on public hearings on this issue.

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11. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CROWLEY

LOCATION OF PUBLIC MEETINGS. Councilmember Crowley asked Mr. Cohen for a copy of staff's findings on where public meetings could be held.

PARK CITY ESTATES. Councilmember Crowley spoke of Park City Estates residents who wanted to rebuild their carports after the hurricane. He asked about the Town's requirement for new surveys. Mr. Kutney advised that the acceptable age of a survey was two years.

BULK WASTE PICKUP. Councilmember Crowley voiced his displeasure with the Town's bulk waste pickup service.

COUNCILMEMBER STARKEY

SPONSORSHIP. Councilmember Starkey asked if Council would be willing to favor platinum sponsorship of Broward Days. Mr. Cohen advised that \$2,500 was budgeted for this event in 2005. Councilmember Starkey stated that the event would be held on April 4th and 5th and encouraged Council and Mr. Cohen to attend.

EITC VANS. Councilmember Starkey thanked Ms. Taylor-Prakelt and Neighborhood Revitalization Program Coordinator Giovanni Moss for the EITC vans that would be at various sites throughout the Town on February 9th, 10th, 15th and 28th.

GENERATOR PERMITS. Councilmember Starkey spoke of generator permit problems that residents from Mystique Estates and other areas were encountering. Mr. Kutney advised he was in contact with Mr. Aronson to discuss this process. Councilmember Starkey asked Mr. Kutney to brief her further on this issue.

12. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

13. TOWN ATTORNEY'S COMMENTS

No comments were provided.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 1:46 a.m.

Approved _____

Mayor/Councilmember

Town Clerk

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